S.B.CRIMINAL MISC. PETITION NO.430/2007
(Om Vishnu V/s State of Rajasthan)

Date of order : : 03.04.2007

**HON'BLE MR. KRISHAN KUMAR ACHARYA, J.**

Mr.Mridul Jain, for the petitioner.

Heard learned counsel for the petitioner.

The learned counsel for the petitioner states that after closure of prosecution evidence, an application was filed by the prosecution for recalling witness Raja Ram (P.W.11) whose statement was recorded by the learned trial Court on 15.12.2004. This application was allowed and the witness P.W.11 Raja Ram was re-examined on 19.8.2006. Thereafter, the prosecution again filed an application on 12.3.2007 under Section 311 Cr.P.C. to re-examine the investigating officer Trilok Chand (P.W. 15) after about one year and 10 months whose statement was recorded on 2.4.2005. The learned Magistrate allowed the said application vide order dtd.13.3.2007. The learned counsel for the

petitioner states that the application has been filed just in order to delay the proceedings.

I have gone through the impugned order passed by the learned Magistrate. The learned Magistrate has given cogent reasons as to why he is recalling the witness and it is not a fit case where this Court should exercise its extraordinary jurisdiction under Section 482 Cr.P.C.

The misc. petition has, therefore, no force and the same is hereby dismissed. However, the learned trial Court is directed to expedite the trial and if the witness does not appear on the date fixed, it will proceed in the matter in accordance with law.

(KRISHAN KUMAR ACHARYA), J.

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